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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,186	05/10/2005	Joel Boutron	HO-P02740US2	5601
26271	7590	08/22/2006	EXAMINER	
FULBRIGHT & JAWORSKI, LLP 1301 MCKINNEY SUITE 5100 HOUSTON, TX 77010-3095			DURAND, PAUL R	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/518,186	BOUTRON ET AL.	
	Examiner	Art Unit	
	Paul Durand	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 46-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18, 46-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/19/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-18 and 46-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1,3,4,6 and 7, the phrase "plastic material layer" lacks antecedent basis, as the preamble of claim1, recites a "plastic material outer layer".

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Lenander et al (US 5,202,065).

In claim 1, Lenander discloses the invention as claimed including a film scoring device comprised of bearing surface 42, for film 34, projection 66, for forming a score line in the film layer, by penetration when the film is against the bearing surface (see Figs. 1,4-7 and C3,L33 – C5,L16).

In claim 2, Lenander discloses the invention as claimed including the projection 66, arranged on support 68 and the score line in the film formed by the relative travel of the film with respect to the support.

In claim 3, Lenander discloses the invention as claimed including the projection 66 capable of incising the material (see Fig. 7).

In claims 4 and 6, Lenander discloses the invention as claimed including the projection 66 causing the flow of material along the score line forming a bead (see Fig. 7).

In claim 5, Lenander discloses the invention as claimed including the projection 66, having an asymmetrical profile, with respect to the longitudinal and transverse cross sections.

In claim 8, Lenander discloses the invention as claimed including using ultrasound to cause the flow of material (see Fig.7 and C4,L13-42).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9,10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lenander in view of Wallerstein et al (US 4,747,895).

Lenander discloses the invention as claimed including anvil bearing surface 42, sonotrode 60, and projection 66, arranged on the sonotrode (see Figs. 1,4-7 and C3,L33 – C5,L16). What Lenander does not disclose is the projection being arranged on the anvil. However, Wallerstein teaches that it is old and well known in the art of form scoring film to provide a sonotrode 29, and an anvil 32, with projections 35 arranged on the anvil for the purpose of ultrasonically scoring a film prior to use (see Figs. 1,3 and C4,L19-53).

Therefore, it would have been obvious to one having ordinary skill in the art the time the invention was made to have provided the invention of Lenander with the scoring means as taught by Wallerstein for the purpose of ultrasonically scoring a film prior to use.

7. Claims 11,12,13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lenander and Wallerstein in view of Ruthenberg et al (US 5,888,183).

The modified invention of Lenander discloses the invention as claimed, as applied to claims 1,4,8 and 9 above, including a wheel shaped anvil with a plurality of projection 35, arranged on the wheel such that the projections extend down the axial length of the roller as a group. What the modified invention of Lenander does not disclose is the use of a flat straight projection arranged around the circumference of the wheel. However, Ruthenberg teaches that it is old and well known in the art of film scoring to provide a wheel shaped anvil 138, with projection 140, arranged around the circumference of the wheel and not extending axially along the length of the wheel, the

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projection having a flat straight elongate edge, and also an additional roller located along a parallel axis formed by axle 106 for the purpose of scoring a film of material prior to folding (see Figs. 4-7 and C5,L42 – C7,L37).

Therefore, it would have been obvious to one having ordinary skill in the art the time the invention was made to have provided the modified invention of Lenander with the scoring means as taught by Ruthenberg for the purpose of scoring a film of material prior to folding.

#### ***Allowable Subject Matter***

8. Claims 7,15,16,18 and 46-48 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

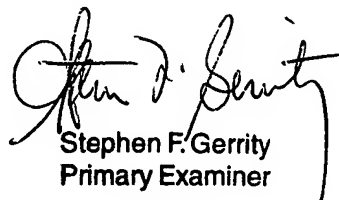
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Durand whose telephone number is 571-272-4459. The examiner can normally be reached on 0730-1800, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paul Durand  
August 17, 2006



Stephen F. Gerrity  
Primary Examiner